

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JOSHUA H. WESTOVER,)
Plaintiff,) Civil No. 18-1321
v.) Judge Cathy Bissoon
PETER SAAVEDRA, *et al.*,) Magistrate Judge Maureen P. Kelly
Defendants.)

MEMORANDUM ORDER

This case has been referred to United States Magistrate Judge Maureen P. Kelly for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636(b)(1)(A) and (B), and Local Rule of Civil Procedure 72.

On October 10, 2018, the Magistrate Judge issued an Order (Doc. 3) granting Plaintiff's Motion for Leave to Proceed in Forma Pauperis (Doc. 1) and directing the Clerk to file the Complaint (Doc. 4). On October 15, 2018, the Magistrate Judge issued a Deficiency Order, notifying Plaintiff that the Complaint was deficient because Plaintiff failed to provide six accurate, identical copies of the Complaint to the Clerk of Court for service. (Doc. 5.) The Deficiency Order gave Plaintiff until November 16, 2018 to cure this defect. (Id.)

On December 11, 2018, the Magistrate Judge issued an Order to Show Cause, directing the Plaintiff to respond by January 7, 2019 demonstrating good cause for the failure to provide service copies of the Complaint or else face dismissal for failure to prosecute. (Doc. 10.) Plaintiff did not respond to the Order to Show Cause.

On January 14, 2019, the Magistrate Judge issued a Report (Doc. 11) recommending that the Complaint be dismissed with prejudice due to Plaintiff's failure to prosecute. Objections to

the Magistrate's Report were to be filed by January 31, 2019. To date, no objections have been received.

After a review of the Complaint and documents in this case, together with the Report and Recommendation (Doc. 11), it hereby is that this action is **DISMISSED WITHOUT PREJUDICE** for failure to prosecute. The Magistrate Judge's Report and Recommendation (Doc. 11) is adopted as the Opinion of the District Court, with the exception that the dismissal is without prejudice.

IT IS SO ORDERED.

February 20, 2019

s\Cathy Bissoon

Cathy Bissoon

United States District Judge

cc (via U.S. Mail):

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